



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2017 Biennium

Bill #	HB0219	Title:	Geographic restrictions for sex offenders
Primary Sponsor:	Essmann, Jeff	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>	<u>FY 2018 Difference</u>	<u>FY 2019 Difference</u>
Expenditures:				
General Fund	\$290,929	\$289,109	\$293,446	\$297,847
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$290,929)</u>	<u>(\$289,109)</u>	<u>(\$293,446)</u>	<u>(\$297,847)</u>

Description of fiscal impact: HB 219 would restrict the residential and employment opportunities of a “high-risk sexual offender,” including generally forbidding the offender from establishing a residence or any other living accommodation in a place where a minor resides.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. HB 219 defines a “high-risk sex offender” as a person designated a sexually violent predator who has committed a sexual offense against a victim 12 years of age or younger. A “high-risk sexual offender” cannot reside or be employed within 300 feet of a school, day-care facility, playground, developed or improved park, athletic field or facility that primarily serves minors, or business or facility having a principal purpose of caring for, educating, or entertaining minors.”
2. The Department of Corrections (DOC) is obligated to investigate and approve employment and location for all “high-risk sexual offenders.” HB 219 defines “regular employment” as “employment for which a sexual offender has a reasonable expectation, as determined by the DOC, of employment for longer than 90 days.”
3. Since the majority of registered sexual offenders in Montana are no longer under the supervision of the DOC, additional staff will be required to meet the demand of existing and new registered offenders. Due to the victim’s age restrictions, it is not easily determined how many offenders on the registry will be monitored and approved for employment by the DOC. However, the geographical challenges and initial

review for all registered offenders will require two additional staff for Probation and Parole. The estimated personal services cost for the 2.00 FTE is \$110,929 for FY 2016 and \$112,245 for FY 2017.

4. Each FTE will require one-time costs for new employee office package and computer of \$2,875 in FY 2016.
5. Operational costs for motor pool leases, phone, office, and rent are estimated to be \$5,000 per FTE per year.
6. As HB 219 is currently written, the restrictions and requirements will also apply to registered youth “high-risk sexual offenders” as well. Currently, the department estimates one youth per year will fall under this restriction. Since the youth will not be allowed to reside with other minors – in correctional programs, community group homes, their own homes if minor siblings are present, or foster homes in which other minors are present – the youth will likely not be able to reside within the state. The language does allow the youth to be housed out of state with other youth; therefore, it is estimated the department will have one youth in an out-of-state placement each year. The estimated cost of an out-of-state youth treatment program is \$450 per day or \$164,250 in FY 2016 and \$166,714 in FY 2017.
7. In addition, any registered sexual offender who violates any provision of HB 219 can be sentenced to up to 10 years in prison. It is difficult to determine how many violations will occur; therefore, no impact is included in this cost calculation. If a person is convicted of a felony under this new language, the cost of incarceration is \$34,175 per year per male inmate and \$38,515 per year per female inmate.
8. All cost figures include an inflation increase of 1.5% each year.

Judicial Branch

9. The number of district court cases may increase as a result of this legislation; however, the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may eventually require additional judicial resources because court dockets currently are full in many judicial districts throughout the state.

	<u>FY 2016</u> <u>Difference</u>	<u>FY 2017</u> <u>Difference</u>	<u>FY 2018</u> <u>Difference</u>	<u>FY 2019</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
FTE	2.00	2.00	2.00	2.00
<u>Expenditures:</u>				
Personal Services	\$110,929	\$112,245	\$113,929	\$115,638
Operating Expenses	\$180,000	\$176,864	\$179,517	\$182,209
TOTAL Expenditures	\$290,929	\$289,109	\$293,446	\$297,847
<u>Funding of Expenditures:</u>				
General Fund (01)	\$288,379	\$289,109	\$293,446	\$297,847
TOTAL Funding of Exp.	\$288,379	\$289,109	\$293,446	\$297,847
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$288,379)	(\$289,109)	(\$293,446)	(\$297,847)

Technical Notes:

Department of Public Health and Human Services

1. HB 219 could potentially delay the release of individuals from the Montana State Hospital in Warm Springs if appropriate residential housing cannot be located.

2. HB 219 could impact the ability to treat individuals at the Montana Mental Health Nursing Care Center in Lewistown as it is in close proximity to a school.
3. The Montana Developmental Center property in Boulder directly borders a school. This would restrict the Montana Developmental Center from accepting court ordered placements of individuals identified in HB 219. Those individuals would need to be placed at the Montana State Hospital or retained in the corrections system.
4. This could restrict the options for placement of individuals covered under this bill into community group home settings within the Developmental Disabilities Division due to the purposeful placement of group homes in integrated community settings.

Sponsor's Initials

Date

Budget Director's Initials

Date